THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.24169 of 2005

Dated 15-12-2005

Between:

V. Eswaraiah.

..... PETITIONER

AND

The District Collector, Medak District, and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.24169 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the order dated 26-10-2005 passed by the first respondent is arbitrary and illegal.

The petitioner is the authorized dealer of the fair price shop of Kotyal Village, Mulugu Mandal, Medak District. The authorization was cancelled by the Revenue Divisional Officer, Siddipet, by order dated 01-12-2004 on the allegation of certain irregularities in distribution of essential commodities. Aggrieved by the same, the petitioner preferred an appeal before the second respondent-Joint Collector. The said appeal was allowed by order dated 22-08-2005 thereby setting aside the order of cancellation dated 01-12-2004. The third respondent herein, who claims to be the temporary dealer and has been running the shop-in-question after cancellation of the authorization of the petitioner, filed a revision petition before the first respondent-Collector, who by order dated 26-10-2005, remanded the matter to the second respondent-Joint Collector for fresh disposal and also ordered that till the disposal of appeal the order dated 22-08-2005 shall remain stayed. The said order dated 26-10-2005 is under challenge in this writ petition.

The petitioner primarily contends that the impugned order dated 26-10-2005 which was passed by the first respondent-District Collector without notice to him is arbitrary, illegal and in violation of the principles of natural justice. He also contends that the third

respondent has no *locus standi* to file such a revision petition before the first respondent.

A mere perusal of the impugned order dated 26-10-2005 makes it clear that the petitioner was not put on notice before deciding the revision petition. The learned counsel for the third respondent also does not dispute the said fact. In the circumstances, the impugned order dated 26-10-2005 is liable to be set aside on that ground alone.

Accordingly, without expressing any opinion on merits, the impugned order dated 26-10-2005 is set aside and the first respondent is directed to consider and decide the Revision Petition afresh after hearing both the parties in accordance with law.

The writ petition is accordingly allowed. No costs.

(G. ROHINI, J)

Date:15-12-2005

ghn